

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

SHANTAE MONIQUE JONES,  
Plaintiff(s),

CIVIL NO.: 04-CV-40328-FL  
CRIM. NO.: 01-CR-50005-FL

vs.

HON. PAUL V. GADOLA  
MAG. JUDGE WALLACE CAPEL, JR.

UNITED STATES OF AMERICA,  
Defendant(s).

/

**ORDER DISMISSING PETITIONER'S MOTION  
FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on the Plaintiff's "Motion Directing The District Court For Conflict Free Representation And Appointment Of New, And Local Counsel To Represent Him In Regards To His §2255 Motion," filed on November 9, 2005. The Plaintiff has requested that the Court appoint another attorney to represent him regarding the Motion to Vacate Sentence which has been referred to the undersigned for Report and Recommendation. In support of his motion, the Plaintiff is asking that the Court appoint an attorney from other than the Flint Federal Defender Office to represent him.

On November 10, 2005, the Court issued an order allowing attorney Joan Ellerbusch Morgan, a Criminal Justice Act appointed attorney to withdraw her representation of this Defendant. In order to remove the appearance of a potential conflict of interest in this matter, the Court ordered that an attorney from the Federal Defender Office for the Western District of Michigan be appointed in this matter.

Therefore, the Defendant's motion for appointment of counsel is hereby **DISMISSED AS MOOT.**

**IT IS SO ORDERED.**

**DATED:** November 17, 2005

s/ Wallace Capel, Jr.  
**WALLACE CAPEL, JR.**  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: James C. Mitchell, AUSA, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Shantae Monique Jones, #28789-039, Federal Correctional Institution, P.O. Box 5000, Pekin, IL 61555-5000, Kenneth G. De.Boer, 615 N. Capitol, Ste. 2, Lansing, MI 48933

s/James P. Peltier  
James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
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